

**DURHAM, NORTH CAROLINA
TUESDAY, JUNE 17, 2003
6:00 P.M.**

Pursuant to the proper notification, the Durham City Council held a special meeting on the above date and time in the Council Chambers with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the special meeting to order with the Pledge of Allegiance.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested the following items be added to the agenda: Agreement with Western Surety; 2) Lease and Joint-Use Agreement with Durham Public Schools Board of Education for Property at East Durham Park - Y.E. Smith Elementary School; 3) Contract with HOPS International for Consulting and Training in Customer Service and 4) Report from administration on Sage and Swift.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to add the City Manager's priority items listed above to the agenda was approved at 6:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent at time of Vote: Council Member Best.

There were no priority items from the City Attorney.

City Clerk Gray informed Council of an invalid protest petition filed against GBA #8 [Strawberry Fields – Case P03-23]. Also, she requested an item be added to the agenda regarding contract for re-codification of Durham City Code.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to add the City Clerk's priority item [Re-Codification of Durham City Code] to the agenda was approved at 6:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent at time of Vote: Council Member Best.

Relative to the Sage and Swift site plan, Planning Director Frank Duke informed Council that the revised site plan provided by the applicant on June 5 was received one month after the deadline, identified other outstanding issues [tree coverage, r-o-w for Alston Avenue and execution of permit agreements] relative to site plan, notified the applicant the site plan would not be ready for tonight's agenda and noted this item will be referred to the July 24, 2003 Special City Council Meeting along with other site plans that are ready.

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Discussion was held by Council on tree save area, TIA, sign ordinance and storm water issues.

[CONSENT AGENDA]

SUBJECT: MAJOR SITE PLAN - CLINICAL TRIAL WAREHOUSE (D02-773)

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to consider a Major Site Plan D02-773 (Clinical Trial Warehouse), and

To approve a site plan for an 18,000 square foot warehouse addition to an existing office and research facility on a 4.06 acre site utilizing the watershed high density option was approved at 6:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN - SOUTH ADAMS PARK (D03-043) –

MOTION by Council Member Clement seconded by Council Member Stith to consider a Major Site Plan D03-043 (South Adams Park), and

To approve a site plan for a 60-lot single family cluster subdivision on a 23.92 acre site was approved at 6:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: SET PUBLIC HEARING - STREET CLOSINGS - VILLAGE STREET AND UNNAMED ALLEY EXTENDING BETWEEN BRANT STREET AND LAWSON STREET – NORTH CAROLINA CENTRAL UNIVERSITY

To set a public hearing for July 24, 2003 to receive public comment to consider closing 0.09 acre (4,096 square feet) of Village Street and 0.10 acre (4,356 square feet) of an unnamed alley extending between Brant Street and Lawson Street, east of Concord Street.

Planning Director Frank Duke requested that a motion be added to this item to advertise a public hearing for July 24, 2003 to receive public comment for North Carolina Central University's rezoning that is associated with street closing.

MOTION by Council Member Clement seconded by Council Member Stith to set a public hearing for July 24, 2003 to receive public comment to consider closing 0.09 acre

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(4,096 square feet) of Village Street and 0.10 acre (4,356 square feet) of an unnamed alley extending between Brant Street and Lawson Street, east of Concord Street; and

To adopt resolutions to consider closing 0.09 acre (4,096 square feet) of Village Street and 0.10 acre (4,356 square feet) of an unnamed alley extending between Brant Street and Lawson Street, east of Concord Street; and

To advertise a public hearing for July 24, 2003 to receive public comment for North Carolina Central University's rezoning that is associated with street closing was approved at 6:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #s 9014 - 9015

SUBJECT: MAJOR SITE PLAN - LOCHSIDE (D02-381)

Dennis Doty, of the Planning Department, briefed Council on the staff report noting this item was referred from the December 2, 2003 City Council Meeting and the applicant has requested that the name of the project be changed from Village at Lake Elton to Lochside. Also, he made comments noting changes have been made to the traffic pattern, Belgreen Drive would be a right in and right out only due to proximity and staff's recommendation is for approval.

Attorney Ken Spaulding, representing the applicant, spoke in support of this item. He noted the name of the project has been changed to Lochside, site plan has met all zoning requirements and the City's specified criteria, discussed the applicant's meeting with the residents to address issues and gave an overview of committed elements on the site plan.

Australia Clay, of 4900 Robinwood, spoke in support of this item urging Council to vote yes to the plan that addresses the intersections of Barbee Road, Martin Luther King Parkway and Odyssey Drive; the upgrading of Belgreen Road, flooding on Odyssey Drive, speed humps, preservation of Lake Elton, sidewalks, traffic, cul-de-sac, accessibility, connectivity, and compatibility to surrounding areas.

Betty Faucette, of 510 Orindo Drive, spoke in opposition to the site plan noting it will ruin existing neighborhoods. She urged Council to vote no to this project until the traffic and a low-density development plan for Lake Elton is worked out.

Karen Alexander, of 3619 Ranbir Drive, spoke in opposition to this item noting the developer did not take into consideration the community that already exists and that Ranbir Drive is a very narrow street that has a problem handling the traffic of 25 houses. Also, she expressed traffic, safety, and property value concerns. Also, she provided Council with a petition from the residents of Ranbir Drive in opposition to the plan.

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Jim Eaker, of 5410 Lake Elton Road, provided Council with a petition expressing opposition to this plan. He noted the development will increase flooding, traffic, and schools will be overcrowded, and impact wildlife.

MOTION by Council Member Best seconded by Council Member Cole-McFadden to extend five minutes to the time limit for the proponents and opponents was approved at 6:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Michael Robinson, of 5402 Ravenswood Place, spoke in opposition asking Council to review site plan due to placement of town homes that will destroy environment of single-family homes. Also, he expressed storm water runoff concerns.

Charlie Rhodes, of 3610 Ranbir Drive, spoke in opposition to this project expressing traffic concerns and noted retention ponds are unacceptable.

Bob Shepherd, of 5518 Loyal Avenue, spoke in opposition to proposal noting the eight acres on the lake to be mass graded will cause sedimentation and runoff problems. Also, he expressed density issues.

Attorney Ken Spaulding, representing the applicant, spoke in support of site plan commenting on Lyons Farm, retention ponds, silk fences, bus shelter, and the amount of units to be built based on zoning. He indicated the developer has tried to address every issue that has been raised and has gone over and beyond what the developer is required to do and the development is fitting all of the of the site plan requirements.

Discussion was held on buffer, retention ponds, and traffic light.

Council Member Cole-McFadden expressed traffic concerns in the area.

Michael Surasky, of the Transportation Division, informed Council that according to the code, a Traffic Impact Analysis is not needed because this plan does not create enough peak hour trips.

Planning Director Frank Duke briefed Council noting this a site plan and not a rezoning and Council is required to evaluate technical compliance with the provision of the ordinance.

Council Member Clement asked the administration have all the technical requirements of this site plan been met.

Planning Director Frank Duke replied yes.

Council held discussion on flooding issues.

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City Attorney Blinder advised Council that the only way to not approve the site plan would be to find that one or more of the technical requirements for site plan approval had not been met.

Paul Wiebke, of the Storm Water Division, noted plan meets and exceeds all requirements concerning the flooding issue.

Council held discussion on storm water and environmental impact on lake.

Council Member Edwards expressed concern with Ranbir Drive.

Frank Duke, Planning Director, expressed concern with Ranbir due to its narrow width and noted it is a technical requirement of the subdivision ordinance that you show connection to the existing street network.

Council Member Cole-McFadden expressed concern that there were no site visits made by the Storm Water Division.

Council Member Stith asked the City Attorney what method does the City have to make water and sewer issue surrounding Belgreen a committed element and enforceable.

Attorney Ken Spaulding informed Council that the developer voluntarily submitted the water and sewer issue as a part of the site plan.

City Attorney Blinder briefed Council noting elements that are not part of the site plan ordinance cannot be required; however, if the developer has voluntarily submitted it as part of the site plan then it would be reasonable.

Council held discussion on who would be monitoring the construction of the storm water situation.

Mayor Bell asked Mr. Schlichenmaier if he plans to develop the project.

Attorney Ken Spaulding noted the applicant has indicated all the development is by Mr. Schlichenmaier.

Mr. John Schlichenmaier noted he would not be selling lots or land to any other homebuilders.

Council held discussion on double silk fence, traffic assessment [Barbee Road/Fayetteville].

Mark Ahrendsen, Transportation Manager, noted the current Fayetteville Road widening project to Woodcroft is scheduled for completion in early 2004.

A representative for the applicant who completed the traffic impact analysis noted the volume of traffic generated by this development along Orindo Drive, impact of operation at the intersection would be minimal, and the level of service would not change.

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Several opponents spoke in opposition to the assessment of the Traffic Impact Analysis.

Relative to the Ranbir situation, Council Member Best asked the administration are there any exceptions to the subdivision ordinance plat and can a cul-de-sac be built on Ranbir.

Planning Director Frank Duke noted the subdivision ordinance provides no exceptions and the cul-de-sac would be a safety problem.

Council held discussion on Ranbir Drive and traffic.

Planning Director Frank Duke noted the applicant has volunteered a series of conditions on the site plan for off-site improvements that are not required by the ordinance and asked the applicant to waive their rights to have improvements removed administratively.

Mr. Schlichenmaier, the developer, stated we will waive our rights to attempt to remove them.

Relative to Ranbir Drive, Mayor Bell asked the administration has staff assured themselves that the developer has done all that he can do relative to traffic patterns, traffic control measures, street paving areas and reducing unfavorable effects of traffic on nearby properties specifically on Ranbir Drive.

Planning Director Frank Duke noted the developer has lowered the density overall on the project, made comments concerning the design of the subdivision as proposed, and stated Odyssey would be the major access point.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to consider a Major Site Plan D02-381 (Lochside); and

To approve a site plan and preliminary plat for 205 dwelling units, comprised of a 105-lot single family detached cluster subdivision and 100 townhomes on a 67.9 acre site was approved at 8:04 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Noes: Mayor Bell and Council Members Cole-McFadden and Edwards. Absent: None.

SUBJECT: INTERLOCAL COOPERATION AGREEMENT FOR PLANNING

To authorize the City Manager to execute an Interlocal Cooperation Agreement between the City and County for planning functions.

Planning Director Frank Duke briefed Council on the changes recommended by the Joint City/County Committee.

Council Member Clement expressed a concern with the process requesting that this item be referred to the July 24, 2003 Work Session for discussion.

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Several members of Council expressed concern with this item and its changes.

MOTION by Council Member Clement seconded by Council Member Stith to refer this item to the July 24, 2003 City Council Work Session was approved at 8:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

**SUBJECT: MAJOR SPECIAL USE PERMIT - DUKE EYE CENTER
EXPANSION (ALBERT EYE RESEARCH INSTITUTE) (M03-01)**

To conduct a quasi-judicial public hearing and receive public comment to consider a Major Special Use Permit for the expansion of the Duke Eye Center, called the Albert Eye Research Institute, in the R-10 District, and

To direct the Planning Director to prepare an order for adoption, for 1) approval, 2) approval with conditions or 3) denial, or to continue the hearing to a specified later meeting. (A draft order for approval with staff-recommended conditions will be available at the meeting).

The Duke Eye Center has submitted a Major Special Use Permit request for a 71,875 square foot and 70 feet high addition, called the Albert Eye Research Institute, to the existing Eye Center building. This addition will consist of an auditorium, library, laboratory, offices and a clinic. The Eye Center received approval from the Development Review Board on May 2, 2003 and a height variance from the Board of Adjustment on May 27, 2003.

City Clerk D. Ann Gray swore in the following individuals: Frank Duke, Dick Hails, George Stanziale, Mike Stock, and Turan Duda.

Mayor Bell explained the proceedings for a major special use permit hearing.

The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, Mayor Bell asked if any Council Member had been exposed to any evidence or information that may not come out at the hearing tonight.

Mayor Bell noted he has heard about the proposal.

City Attorney Blinder asked the Mayor would it affect his judgment to be impartial and to make a decision on the evidence tonight.

The Mayor replied no.

George Stanziale identified himself as representing the applicant.

Mayor Bell opened the public hearing.

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Testimony from Staff

Planning Director Frank Duke noted this is a request for a major special use permit for the expansion of the Duke Eye Center on Erwin Road. Mr. Duke asked that the staff report be entered as evidence.

There were no objections to the staff report being entered as part of the evidence.

For clarification, Frank Duke noted this site is currently under review as a part of a larger process for the rezoning of the Duke University campus to the new University College district; however, the rezoning request has not move forward as quickly as originally thought. Also, he noted there have been neighborhood concerns with regard to the rezoning and the portion of the campus being discussed tonight is not an issue in the rezoning.

Mike Stock, of the Planning Director, briefed Council on the staff report making comments about the proposed use and height. He noted the Development Review Board has also approved proposal on May 2, 2003 meeting all the technical requirements of the Zoning Ordinance. He requested that the staff report and all attachments and exhibits be entered as part of the permanent record. He noted Council must make findings under Section 13.2.3 of the Durham Zoning Ordinance that the proposed use is: 1) In harmony with the area and not substantially injurious to the value of properties in the general vicinity; 2) In conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of the this Ordinance; 3) Will not adversely affect the health or safety of the public. Also, he noted Council should also give consideration to items 1-10 under Section 13.2.4 as indicated within the staff report and may impose conditions on this request that that Council deems necessary to ensure that this project is compatible and in harmony with the surrounding neighborhood.

Mayor Bell asked Council if there were questions for staff.

Mayor Pro Tempore Cheek asked staff have the corrections been made and conditions been met as indicated by the Development Review Board.

Planning Director Frank Duke noted all corrections and verifications have been met and the site plan that will follow this does satisfy all ordinance requirements.

The Mayor asked if there were any one wanting to speak in opposition to the Major Special Use Permit. No one spoke in opposition to this item.

There were no comments from the applicant.

Staff Recommendation

Mike Stock, of the Planning Department, noted based on technical requirements of the City Code, staff is recommending approval of the Special Use Permit subject to the

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following condition: 1) The project shall be completed in accordance with site plan corrections and verification.

Frank Duke, Planning Director, noted staff has the ordinance that reflects the recommendation of staff.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an order granting, upon certain conditions, a Major Special Use Permit for Duke University Medical Center – Duke Eye Center Expansion (Albert Eye Research Institute) Case M03-01 was approved at 8:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12832

SUBJECT: MAJOR SITE PLAN -- DUKE EYE CARE CENTER EXPANSION (ALBERT EYE RESEARCH INSTITUTE) (D02-424) (THIS ITEM IS NOT A PUBLIC HEARING)

Frank Duke, Planning Director, noted the site plan as presented does meet all ordinance requirements and does conform to the Major Special Use Permit just approved by Council. He noted staff is recommending approval.

MOTION by Council Member Clement seconded by Council Member Stith to consider a Major Site Plan D02-424 (Duke Eye Care Center Expansion (Albert Eye Research Institute), and

To approve a site plan for a proposed 71,875 square foot, six story expansion to the existing three-story Albert Eye Research Institute, with removal of 31 motor vehicle parking spaces and addition of nine new bicycle parking spaces, on a +/-1.38 acre portion of a +/-1,238 acre site, zoned R-10. Council approval of the Major Special Use Permit (M03-01) is required prior to action on this item was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REZONING MATTER CASE (P03-19) - CENTERPOINT – ROBERT C. ZUMWALT, RLA; THE JOHN R. MCADAMS COMPANY – SOUTH SIDE OF LUMLEY ROAD, EAST OF MIAMI BOULEVARD

To receive public comment on rezoning Case P03-19 (Centerpoint); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-19 out of I-2(D) and placing same in and establishing same as PDR-3.87; OI-2.

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Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (6-0)

Dick Hails, of the Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponent

Patrick Byker, representing the applicant, spoke in support of this rezoning.

No one spoke in opposition to this matter.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning Case P03-19 (Centerpoint); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-19 out of I-2(D) and placing same in and establishing same as PDR-3.87; OI-2 was approved at 8:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REZONING MATTER CASE (P03-23) - STRAWBERRY FIELDS – RICK WILLIAMS, WILLIAMS CONSTRUCTION COMPANY, WILLWOOD, LLC – INTERSECTION OF HOPE VALLEY ROAD AND SOUTH ROXBORO STREET, EAST OF HOPE VALLEY ROAD AND SOUTH OF ROXBORO STREET

To receive public comment on rezoning Case P03-23 (Strawberry Fields); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-23 out of R-10 and R-20 and placing same in and establishing same as RM-8(D).

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Denial - (4-2)

Note: Invalid protest petition filed against this item and public hearing was not opened.

Planning Director Frank Duke informed Council that the applicant is seeking a deferral of this item.

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Attorney Jack Markham, representing the applicant, requested Council to defer this rezoning matter for 60 days.

Edward Broughton, representing Chownings Place HOA, spoke in support of deferral to come up with a win win situation for both parties.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to defer Rezoning Case P03-23 (Strawberry Fields) to the August 18, 2003 City Council Meeting was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING TEXT AMENDMENT - CONTROL OF DEMOLITION BY NEGLECT OF HISTORIC LANDMARKS AND HISTORIC OVERLAY PROPERTIES (TC03-05)

To receive public comment on Zoning Text Amendment TC03-05 (Control of Demolition By Neglect of Historic Landmarks and Historic Overlay Properties), and

To adopt an ordinance amending the Durham Zoning Ordinance to add provisions to control demolition by neglect.

Planning Department Recommendation – Approval
Zoning Committee Recommendation and Vote: Approval - 7-0

Planning Director Frank Duke briefed Council on the text amendment.

Mayor Bell opened the public hearing. There being no one to speak in support or in opposition to this item, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive public comment on Zoning Text Amendment TC03-05 (Control of Demolition By Neglect of Historic Landmarks and Historic Overlay Properties), and

To adopt an ordinance amending the Durham Zoning Ordinance to add provisions to control demolition by neglect was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12835

SUBJECT: ZONING TEXT AMENDMENT - MODIFICATIONS TO THE AFFORDABLE HOUSING DENSITY BONUS (TC03-06)

To receive public comment on Zoning Text Amendment TC03-06 (Modifications to the Affordable Housing Density Bonus), and

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To adopt an ordinance amending the Zoning Ordinance to incorporate the changes proposed by TC03-6.

Planning Department Recommendation - Approval
Zoning Committee Recommendation and Vote: Approval - 7-0

Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing. There being no one to speak in support or in opposition to this matter, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive public comment on Zoning Text Amendment TC03-06 (Modifications to the Affordable Housing Density Bonus), and

To adopt an ordinance amending the Zoning Ordinance to incorporate the changes proposed by TC03-6 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12833

SUBJECT: ZONING TEXT AMENDMENT - CHANGES TO BOA VOTING STANDARDS (TC03-07)

To receive public comment on Zoning Text Amendment TC03-07 (Changes to BOA Voting Standards), and

To adopt an ordinance amending the Zoning Ordinance to incorporate the changes proposed by TC 03-7.

Planning Department Recommendation – Approval
Zoning Committee Recommendation and Vote: Approval - 7-0

Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing. There being no one to speak in support or in opposition to this matter, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive public comment on Zoning Text Amendment TC03-07 (Changes to BOA Voting Standards), and

To adopt an ordinance amending the Zoning Ordinance to incorporate the changes proposed by TC 03-7 was approved at 8:49 p.m. by the following vote: Ayes: Mayor

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Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12834

[ITEMS ADDED TO AGENDA]

**SUBJECT: LEASE AND JOINT-USE AGREEMENT WITH DURHAM
PUBLIC SCHOOLS BOARD OF EDUCATION FOR Y. E. SMITH
ELEMENTARY SCHOOL AT EAST DURHAM PARK**

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to approve the Lease and Joint-Use Agreement for Y. E. Smith Elementary School at East Durham Park with the Durham Public Schools Board of Education; and

To authorize the City Manager to execute and make changes to the agreement provided such changes do not change the intent of agenda memo was approved at 8:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: AGREEMENT WITH WESTERN SURETY COMPANY–
UFR, INC. D/B/A/ UFR BUILDERS [CLAIM 9A706545] –
SANDY CREEK DEMOLITION AND REMOVAL OF
CONCRETE, SEWER LAGOONS AND DEBRIS**

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into an agreement with Western Surety Company in the amount of \$14,000 for final payment to UFR Builders for Sandy Creek Demolition and Removal of Concrete, Sewer Lagoons and Debris; and

To authorize the City Manager to make changes to the agreement before execution as long as the changes do not increase the amount to be paid by the City and are not inconsistent with the explanation stated in agenda memo was approved at 8:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH MUNICIPAL CODE CORPORATION
FOR RE-CODIFICATION OF DURHAM CITY CODE –
CITY CLERK’S OFFICE**

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MOTION by Council Member Cole-McFadden seconded by Council Member Clement to authorize the City Manager to execute a contract with Municipal Code Corporation in an amount not to exceed \$16,500 for re-codification of the Durham City Code was approved at 8:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH HOPS INTERNATIONAL FOR
CONSULTING AND TRAINING IN CUSTOMER SERVICE**

Council Member Cole-McFadden raised a concern with a representative from HOPS International providing training on June 18, 2003 without a contract approved by Council.

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a contract with HOPS International for consulting and training in customer service in the amount of \$2,500; and

To authorize the City Manager to make changes before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of contract was approved at 9:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Edwards and Stith. Noes: Council Member Cole-McFadden. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 9:03 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk